

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

In re WESTERN STATES WHOLESALE) 2:03-cv-01431-RCJ-PAL
NATURAL GAS ANTITRUST) MDL No. 1566

ORDER

SINCLAIR OIL CORP.,)	
)	
Plaintiff,)	
)	
vs.)	2:06-cv-00282-RCJ-PAL
)	
ONEOK ENERGY SERVICES CO., L.P.,)	
)	
Defendant.)	
)	

These consolidated cases arise out of the energy crisis of 2000–2002. Plaintiffs (retail buyers of natural gas) allege that Defendants (natural gas traders) manipulated the price of natural gas by reporting false information to price indices published by trade publications and engaging in wash sales. Pending before the Court is a motion for summary judgment.

I. PROCEDURAL HISTORY

In 2003, the Judicial Panel on Multidistrict Litigation (“JPML”) transferred seven class action cases from various districts in California to this District under 28 U.S.C. § 1407 as Multidistrict Litigation (“MDL”) Case No. 1566, assigning Judge Pro to preside. Since then, the

1 JPML has transferred in several more actions from various districts throughout the United States.
2 Between 2003 and 2015, Judge Pro ruled on many motions to remand, to dismiss, and for
3 summary judgment. He also approved several class settlements. Several parties settled on their
4 own. One or more of the cases have been to the Court of Appeals twice and to the Supreme
5 Court once. In 2007, the Court of Appeals reversed several dismissals under the filed rate
6 doctrine and remanded for further proceedings. In 2013, the Court of Appeals reversed several
7 summary judgment orders, ruling that the Natural Gas Act did not preempt state law anti-trust
8 claims and that certain Wisconsin- and Missouri-based Defendants should not have been
9 dismissed for lack of personal jurisdiction. The Supreme Court granted certiorari as to
10 preemption under the Natural Gas Act and affirmed. The case was soon thereafter reassigned to
11 this Court when Judge Pro retired. The Court granted three motions to dismiss for lack of
12 personal jurisdiction.

13 Defendant in one of the consolidated actions has moved for summary judgment. In that
14 (present) case, *Sinclair Oil Corp. v. OneOK Energy Services Co., L.P.*, Case No. 2:06-cv-282
15 (District of Wyoming Case No. 2:05-cv-1396), as in the other consolidated cases, Plaintiff sued
16 Defendant for selling Plaintiff natural gas at prices allegedly inflated due to false price
17 information reported to price indices by Defendant and others. (See Compl. ¶¶ 2–4, ECF No. 1 in
18 Case No. 2:06-cv-282). Judge Pro dismissed the Complaint based on federal preemption in May
19 2006, and the Court of Appeals reversed in April 2010. Defendants do not appear to have
20 petitioned the Supreme Court for certiorari. In July 2011, Judge Pro granted partial summary
21 judgment to Defendant (counts 1–6, 8, and 10) based on federal preemption. (See Order 46:14–
22 20, ECF No. 79 in Case No. 2:06-cv-282). In August 2011, Judge Pro ordered the case
23 administratively closed pending the Court of Appeals' review of the summary judgment order.
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1 (See Order, ECF No. 80 in Case No. 2:06-cv-282). That is the last entry in the docket of the ‘282
2 Case itself. The Court of Appeals reversed in 2013, and the Supreme Court affirmed the reversal
3 in 2015. The case was reassigned to this Court when Judge Pro retired.

4 Recently, Defendant moved for summary judgment in Case No. 2:05-cv-1331 (District of
5 Kansas Case No. 2:05-cv-2389), arguing that the claims were precluded or released under a
6 settlement agreement reached in a consolidated class action brought in the Southern District of
7 New York, *In re Natural Gas Commodity Litigation* (Southern District of New York Case No.
8 03-cv-6186 or “the NYMEX Case”). The Court ruled that the plaintiff there had via the
9 settlement agreement in the NYMEX Case released Defendant from the claims brought in
10 the’1331 Case. (See Order, ECF No. 2416). Defendant has filed a motion for summary judgment
11 (ECF No. 2436), making the same argument here, i.e., that Plaintiff released Defendant from the
12 claims brought in the ‘282 Case via the settlement agreement in the NYMEX case.

13 Plaintiff has responded by asking the Court to clarify the briefing due dates, noting that
14 the Magistrate Judge has ordered responses to dispositive motions to be filed by December 8,
15 2016 unless the undersigned rules differently. Defendant has asked the Court in its motion for
16 summary judgment to expedite briefing on the motion, arguing that the issue is a pure matter of
17 law and no further discovery is required to brief it. The Court agrees.

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CONCLUSION

IT IS HEREBY ORDERED that the Motion for Clarification (ECF No. 2446) is GRANTED. A response to the Motion for Summary Judgment (ECF No. 2436) is due within twenty-one (21) days of the entry of this Order into the electronic docket, and replies are due within fourteen (14) days thereafter.

IT IS SO ORDERED.

Dated this 22nd day of July, 2016.

ROBERT C. JONES
United States District Judge